

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

NEIGHBORHOOD ENTERPRISES, INC.,
SANCTUARY IN THE ORDINARY, and JIM
ROOS,

Plaintiffs,

v.

CITY OF ST. LOUIS and CITY OF ST.
LOUIS BOARD OF ADJUSTMENT,

Defendants.

Case 4:07-cv-01546-HEA

**JOINT MOTION TO CONTINUE DECEMBER 5, 2011, STATUS CONFERENCE AND
STAY DISTRICT COURT PROCEEDINGS**

Plaintiffs Neighborhood Enterprises, Sanctuary in the Ordinary, and Jim Roos (collectively, “Plaintiffs”), jointly with the City of St. Louis and St. Louis Board of Adjustment (collectively, “Defendants”), respectfully submit this motion to continue the currently scheduled December 5, 2011, status conference before this court, and to stay all proceedings before this court, until after the United States Supreme Court takes final action on Defendants’ petition for writ of certiorari.

On March 29, 2010, this Court issued an opinion granting summary judgment to Defendants. *Neighborhood Enters. v. City of St. Louis*, 718 F. Supp. 2d 1025 (E.D. Mo. 2010). On July 13, 2011, the Court of Appeals for the Eighth Circuit issued an opinion reversing this Court’s grant of summary judgment to Defendants, ruling in favor of Plaintiffs, and remanding for further proceedings consistent with the opinion. *Neighborhood Enters. v. City of St. Louis*, 644 F.3d 728 (8th Cir. 2011). On July 22, 2011, Defendants filed a petition for rehearing en banc. [Court of Appeals Entry ID: 3810520]. The petition was denied on August 18, 2011.

[Court of Appeals Entry ID: 3819603]. Defendants subsequently filed a petition for writ of certiorari, docketed on November 18, 2011 as Case No. 11-616, in the United States Supreme Court.

Because Defendants are seeking further appellate relief, Plaintiffs and Defendants believe it is appropriate to continue the December 5, 2011, status conference currently scheduled before this court, and to stay all proceedings before this court, until after the Supreme Court has taken final action on Defendants' petition for certiorari.

RESPECTFULLY SUBMITTED this 29th day of November, 2011.

INSTITUTE FOR JUSTICE

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CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2011, a copy of the foregoing JOINT MOTION TO CONTINUE DECEMBER 5, 2011, STATUS CONFERENCE AND STAY TRIAL COURT PROCEEDINGS was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system on the following:

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